

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:08CV41-V-2  
(5:03CR4)

RODERICK WILLIAMS, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

O R D E R

**THIS MATTER** is before the Court upon Petitioner's "Motion To Supplement Pursuant To Federal Rules Of Civil Procedure, Rule 15," filed June 23, 2008 (document # 4); on his document captioned as a "Motion Pursuant To Rule 6(a) Of The Rules Government 28 U.S.C. § 2255 & 18 U.S.C. § 3600(a)(1)(A)(6)(A)" by which he seeks the appointment of counsel and a forensic expert, filed June 23, 2008 (document # 9); on Petitioner's second "Motion To Supplement Pursuant To Federal Rules Of Civil Procedure, Rule 15," filed July 17, 2008 (document # 13); on his Motion under Rule 6(a), also filed July 17, 2008 (document # 14); and on Respondent's second Motion for Extension of Time, filed August 13, 2008 (document # 15).

According to the record, on May 19, 2008, Petitioner came to this Court and filed a Motion to Vacate under 28 U.S.C. § 2255. On June 2, 2008, the undersigned entered an Order directing the Government to respond to Petitioner's multiple claims of

ineffective assistance of counsel. However, on June 24, 2008, before Respondent answered the allegations, Petitioner filed his first Motion to Supplement seeking to amend his Motion to Vacate to include copies of certain excerpts from his trial transcript, the program from the funeral for Petitioner's mother, a petition signed by a number of citizens from Petitioner's community who are requesting that he receive a new trial and an affidavit executed by a person who received and signed a copy of the petition for new trial and a person who assisted with circulating that Petition.

Inasmuch as the subject information does not raise a new claim but purportedly supports Petitioner's claim concerning counsel's alleged failure to challenge certain allegedly contradictory and/or perjured testimony, Petitioner's Motion to Supplement will be granted.

On June 28, 2008, Petitioner filed his Motion under 6(a), seeking the appointment of counsel and a forensic expert. In support of that Motion, Petitioner asserts that certain of his claims, particularly the one relating to the lack of DNA evidence, are complex and necessitate the technical assistance of an attorney and a forensic expert. However, because Respondent has not yet answered Petitioner's claims, this Court has no way of knowing whether any such assistance actually is necessary. Accordingly, this Motion will be denied as premature.

As for Petitioner's second Motion to Supplement, the same is

so vague that the Court cannot even determine whether Petitioner merely is reasserting his earlier Motion to Supplement (document # 4) or is seeking to amend his Motion to Vacate to include some additional but unidentified information. In that case, therefore, Petitioner's second Motion to Supplement must be denied.

Petitioner's second Motion under Rule 6(a) seeking the appointment of a forensic expert essentially is a continuation of his first Motion. Under these circumstances, then, the foregoing reasoning concerning prematurity also is applicable to this Motion. Therefore, this motion also will be denied as premature.

Last, Respondent has filed its second Motion seeking an extension of time. In support of that Motion, counsel for Respondent asserts that she has been engaged in appellate activities which have required an "extraordinary" amount of time and has had a number of other post-conviction motions to which she has been responding. Accordingly, for good cause shown, Respondent's request for a thirty-day extension will be granted.

**NOW THEREFORE, IT IS HEREBY ORDERED THAT:**

1. Petitioner's first Motion To Supplement (document # 4) is **GRANTED**;

2. Petitioner's first Motion Pursuant To Rule 6(a) (document # 9) is **DENIED as premature**;

3. Petitioner's second Motion To Supplement (document # 13) is **DENIED**;

4. Petitioner's second Motion Pursuant to Rule 6(a)

(document # 14) is **DENIED as premature;** and

5. Respondent's second Motion for Extension of Time (document # 15) is **GRANTED.** Respondent shall have up to and including September 13, 2008 in which to file its response to Petitioner's Motion to Vacate.

**SO ORDERED.**

Signed: August 22, 2008

A handwritten signature in cursive script, reading "Richard L. Voorhees", written in black ink over a horizontal line.

Richard L. Voorhees  
United States District Judge

